

EXHIBIT C

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**BOSTON PARENT COALITION FOR
ACADEMIC EXCELLENCE CORP.,**

Plaintiff,

v.

**THE SCHOOL COMMITTEE OF THE
CITY OF BOSTON, ALEXANDRA
OLIVER-DAVILA, MICHAEL O'NEILL,
HARDIN COLEMAN, LORNA RIVERA,
JERI ROBINSON, QUOC TRAN, ERNANI
DeARAUJO, and BRENDA CASSELLIUS,**

Civil Action No. 1:21-cv-10330-WGY

Defendants

and

**THE BOSTON BRANCH OF THE NAACP,
THE GREATER BOSTON LATINO
NETWORK, ASIAN PACIFIC ISLANDER
CIVIC ACTION NETWORK, ASIAN
AMERICAN RESOURCE WORKSHOP,
MAIRENY PIMENTAL, and H.D.,**

Defendants-Intervenors.

AFFIDAVIT OF EUGENE O'FLAHERTY

I, Eugene O'Flaherty, do hereby state as follows:

1. From February 3rd, 2014 to March 5, 2021, I was the Corporation Counsel for the City of Boston (the "City").
2. On March 5, 2021, I left my employment with the City of Boston. I am currently in private practice.
3. On October 21-22, 2020, the Boston School Committee held a public meeting.

4. On October 22, 2020, the City received a public records request from James Vaznis of the Boston Globe.

5. Mr. Vaznis's October 22, 2020 public records request stated as follows:

Under the state's public records law and the state's open meeting law, I am seeking copies of all cellular telephone text messages and emails related to BPS issues that were sent and received by each Boston School Committee member during their meeting that began on Oct. 21 and that ended on Oct. 22. This request applies to all members who sat on the committee for the Oct. 21 meeting, including then-Chair Michael Loconto.

6. While I do not recall the dates or details of the conversations, there were discussions between or among Attorney Catherine Lizotte, Legal Advisor to the Boston Public Schools, Attorney Shawn Williams, Director of Public Records, and Attorney Henry Luthin, First Assistant Corporation Counsel for Government Services in the Law Department and myself regarding the City's response to Mr. Vaznis's request.

7. Prior to the response being sent to Mr. Vaznis, I was aware that certain text messages would be redacted from the transcript of the text messages provided to Mr. Vaznis, because it was believed that the redacted text messages did not "relate to BPS issues," and were not responsive to Mr. Vaznis's request.

8. I am aware that Attorney Lizotte sent the City's response to Mr. Vaznis's request on November 5, 2020.

9. I have not been consulted on or involved in, and have no personal knowledge of, the City's responses to any other public records requests related to the October 21-22, 2020 Boston School Committee meeting aside from Mr. Vaznis's October 22, 2020 request.

10. I am aware that the Boston Parent Coalition for Academic Excellence Corp. filed a lawsuit against the Boston School Committee (the "Lawsuit") on February 26, 2021, one week before my departure from the City on March 5, 2021.

11. I have since been made aware that the parties to the Lawsuit submitted a Joint Agreed Statement of Facts to this Court on March 15, 2021, ten days after my departure from the City on March 5, 2021.

12. I was not consulted on, was not involved with, and have no personal knowledge regarding the Joint Agreed Statement of Facts that was submitted to this Court on March 15, 2021.

Signed subject to the pains and penalties of perjury this 9th day of August, 2021.

Eugene T. O'Flaherty

Eugene O'Flaherty